

REMARKS

In the Final Office Action of October 26, 2007, claims 1-20 were rejected under 35 U.S.C. 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In addition, claims 1-4, 11-14 and 20 were objected to under 37 C.F.R. 1.75 as allegedly being a substantial duplicate of claims 12-21 of U.S. Patent No. 7,274,707 and that claims 1-4, 11-14 and 20 allegedly conflict with claims 12-22 of U.S. Patent No. 7,274,707. Furthermore, claims 1-7, 11-15 and 20 were rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over U.S. Patent No. 6,990,116 ("Young et al.") in view of Admitted Prior Art (hereinafter "APA"). Claims 8-10 and 16-19 were also rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Young et al. in view of APA and further in view of U.S. Patent Application Pub. No. 2003/0152058 A1 ("Cimini, Jr. et al.").

In response, Applicants have amended the independent claims 1, 12 and 20 to overcome the Section 112, second paragraph, rejections. Claim 13 was also amended to correct a minor error. With respect to the assertion on page 2 of the Office Action that "it appears that both PCF (non-contention) and DCF (contention) are simultaneously used within the same non-contention period which is absurd given the contradictory presence of PCF and DCF within a same period (sub-period)," Applicants respectfully assert that this is possible since the AP can be configured to not poll the first station during this sub-period, while the second station communicates using DCF, as explained in paragraph [026] that begins on page 7 of Applicants' specification. With respect to the assertion on page 2, that "the meaning of sub-contention period being part of the non-contention period is confusing and indefinite," Applicants note that the amended independent claims 1, 12 and 20 recite "*a first period*" and "*a contention sub-period within the first period.*" Thus, the alleged confusion is no longer applicable to the pending claims. With respect to the assertion on page 3 that "it is not clear if the features of 'the sub-period during which the second station is enabled to transmit data according to second modulation scheme following a distributed coordination function access mechanism,'" Applicants respectfully assert that the amendments to the independent claims 1, 12 and 20 clearly describe what are indicated by the beacon frame. Thus, Applicants respectfully

request that the Section 112, second paragraph, rejections of claims 1-20 be withdrawn.

In addition, as amended, Applicants respectfully assert that claims 1-4, 11-14
5 and 20 are not substantial duplicates of claims 12-21 of U.S. Patent No. 7,274,707 and do not conflict with claims 12-22 of U.S. Patent No. 7,274,707. Thus, Applicants respectfully request that these objections be withdrawn.

With respect to the Section 103 rejections, Applicants respectfully assert that
10 the amended independent claims 1, 12 and 20 are not obvious in view of Young et al. and APA, as explained below. In view of the claim amendments and the following remarks, Applicants respectfully request that the amended independent claims 1, 12 and 20, as well as the dependent claims 2-11 and 13-19, be allowed.

15 I. Patentability of Amended Independent Claims 1, 12 and 20

As amended, the independent claim 1 recites the limitations of “*wherein, the access point transmits a beacon frame indicating a beginning of a first period during which the first station is not allowed to contend for medium access, the first period
20 being followed by a contention period during which the first station is allowed to contend for medium access, the beacon frame also indicating a location of a contention sub-period within the first period during which the second station is enabled to transmit data modulated according to the second modulation scheme following a distributed coordination function access mechanism,*” which are not
25 disclosed in Young et al. and APA. Thus, Applicants respectfully assert that the amended independent claim 1 is not obvious in view of Young et al. and APA, and request that the amended independent claim 1 be allowed.

To establish a *prima facie* case of obviousness, three basic criteria must be
30 met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion

to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

5 The cited reference of Young et al. discloses a CFP repetition interval that includes a contention-free period (“a first period”) and a contention period, as shown in Fig. 5. However, the cited reference of Young et al. does not disclose “a contention sub-period within the first period.” Consequently, the cited reference of Young et al. does not disclose “wherein, the access point transmits a beacon frame
10 *indicating a beginning of a first period during which the first station is not allowed to contend for medium access, the first period being followed by a contention period during which the first station is allowed to contend for medium access, the beacon frame also indicating a location of a contention sub-period within the first period during which the second station is enabled to transmit data modulated according to*
15 *the second modulation scheme following a distributed coordination function access mechanism,”* as recited in the amended independent claim 1. Thus, the cited reference of Young et al. and APA even when combined do not teach or suggest all the limitations of the amended independent claim 1. Therefore, the amended independent claim 1 is not obvious in view of the cited reference of Young et al. and APA. As
20 such, Applicants respectfully request that the amended independent claim 1 be allowed.

 The above remarks are also applicable to the amended independent claims 12 and 20, which recite limitations similar to those of the amended independent claim 1.
25 Thus, Applicants respectfully assert that the amended independent claims 12 and 20 are also not obvious in view of the cited reference of Young et al. and APA, and request that these amended independent claims be allowed as well.

II. Patentability of Dependent Claims 2-11 and 13-19

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 Each of the dependent claims 2-11 and 13-19 depends on one of the amended independent claims 1 and 12. As such, these dependent claims include all the limitations of their respective base claims. Therefore, Applicants submit that these

dependent claims are allowable for at least the same reasons as their respective base claims.

5 Applicants respectfully request reconsideration of the claims in view of the remarks made herein. A notice of allowance is earnestly solicited.

Respectfully submitted,

Hirsch et al.

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Date: December 28, 2007

By: /thomas h. ham/

Thomas H. Ham

Registration No. 43,654

Telephone: (925) 249-1300